

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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ELAINE MALINOWSKI, individually, and on behalf of all others similarly situated,

Plaintiff,

v.

INTERNATIONAL BUSINESS MACHINES CORPORATION and JOHNSON & JOHNSON HEALTH CARE SYSTEMS, INC.,

Defendants.

Case No. 7:23-CV-08421-NSR

MICHELLE L. PETTIFORD, individually and on behalf of all others similarly situated,

Plaintiff,

v.

INTERNATIONAL BUSINESS MACHINES CORPORATION and JOHNSON & JOHNSON HEALTH CARE SYSTEMS, INC.,

Defendants.

Case No. 7:23-cv-08517-NSR

ANTHONY HANNA, on behalf of herself and all others similarly situated,

Plaintiff,

v.

INTERNATIONAL BUSINESS MACHINES CORPORATION and JOHNSON & JOHNSON HEALTH CARE SYSTEMS, INC.,

Defendants.

Case No. 7:23-cv-08755-NSR

<p>VANESSA HAYS, on behalf of herself and all others similarly situated,</p> <p>Plaintiff,</p> <p>v.</p> <p>INTERNATIONAL BUSINESS MACHINES CORPORATION and JOHNSON &amp; JOHNSON HEALTH CARE SYSTEMS, INC.,</p> <p>Defendants.</p>	Case No. 7:23-CV-09215-NSR
<p>MICHAEL WRIGHT, individually and on behalf of all others similarly situated,</p> <p>Plaintiff,</p> <p>v.</p> <p>INTERNATIONAL BUSINESS MACHINES CORPORATION and JOHNSON &amp; JOHNSON HEALTH CARE SYSTEMS, INC., d/b/a JANSSEN</p> <p>Defendants.</p>	Case No. 7:23-cv-09364-NSR
<p>JOSEPH HALEY, ROWDY ALDRIDGE, and MARY LEA KIRBY, individually on behalf of themselves and all others similarly situated,</p> <p>Plaintiffs,</p> <p>v.</p> <p>INTERNATIONAL BUSINESS MACHINES CORPORATION and JOHNSON &amp; JOHNSON HEALTH CARE SYSTEMS, INC.,</p> <p>Defendants.</p>	Case No. 7:23-cv-09679-NSR

KRISTAL MIZE, individually on behalf of herself and all others similarly situated,	Case No. 7:23-cv-09725-NSR
Plaintiffs,  v.  INTERNATIONAL BUSINESS MACHINES CORPORATION and JOHNSON & JOHNSON HEALTH CARE SYSTEMS, INC.,	Defendants.
JARVIS BRYANT JENKINS, individually on behalf of himself and all others similarly situated,	Case No. 7:23-cv-10244-NSR
Plaintiffs,  v.  INTERNATIONAL BUSINESS MACHINES CORPORATION and JOHNSON & JOHNSON HEALTH CARE SYSTEMS, INC.,	Defendants.
DANIEL BRAWNER, individually on behalf of himself and all others similarly situated,	Case No. 7:23-cv-10725-NSR
Plaintiffs,  v.  INTERNATIONAL BUSINESS MACHINES CORPORATION and JOHNSON & JOHNSON HEALTH CARE SYSTEMS, INC.,	Defendants.

PATRICK CALHOUN, individually on behalf of himself and all others similarly situated,

Plaintiffs,

v.

JOHNSON & JOHNSON HEALTH CARE SYSTEMS, INC.,

Defendant.

Case No. 7:23-cv-11069-NSR

### **SUPPLEMENTAL ORDER CONSOLIDATING CASES**

**WHEREAS**, on September 22, 2023, Plaintiff Elaine D. Malinowski filed a purported class action Complaint against International Business Machines Corporation (“IBM”) and Johnson & Johnson Health Care Systems, Inc. (“J&J”), (together “Defendants”) asserting claims for negligence, breach of confidence, breach of implied contract, breach of implied covenant of Good Faith and Fair Dealing, breach of fiduciary duty and unjust enrichment.

**WHEREAS**, there are currently 10 purported class actions pending in this District based on the same or similar facts and issues of law filed against Defendants.

**WHEREAS**, by Order dated December 19, 2023, (ECF No. 18) this Court consolidated, for all purposes, the following schedule of actions:

- *Malinowski v. International Business Machines Corp., et al*, Case No. 7:23-CV-08421-NSR;
- *Pettiford v. International Business Machines Corp., et al*, 7:23-cv-08517-NSR;
- *Hanna v. International Business Machines Corp., et al*, 7:23-cv-08755-NSR;
- *Hays v. International Business Machines Corp., et al*, 7:23-CV-09215-NSR;
- *Wright v. International Business Machines Corp., et al*, 7:23-cv-09364-NSR;
- *Haley, et al, v. International Business Machines Corp., et al*, 7:23-cv-09679-NSR; and
- *Mize v. International Business Machines Corp., et al*, 7:23-cv-09725-NSR.

**WHEREAS**, entry of this Order will promote judicial economy, avoid duplicative motion and discovery proceedings and streamline adjudication of related matters.

IT IS HEREBY ORDERED THAT:

1. The above-referenced actions are hereby consolidated before the Honorable Nelson S. Román and shall hereafter be identified as: *In re International Business Machines Corporation Data Breach Litigation*, Master File No. 7:23-cv-08421-NSR (the “Consolidated Action”).
2. The following three related cases filed after the December 19, 2023 Order are likewise consolidated before the Honorable Nelson S. Román as part of the Consolidated Action: (a) *Jenkins v. International Business Machines Corp., et al*, 7:23-cv-10244-NSR; (b) *Brawner v. International Business Machines Corp., et al*, 7:23-cv-10725-NSR; and (c) *Calhoun v. Johnson & Johnson Health Care Systems, Inc. et al*, 7:23-cv-11069-NSR.
3. Any and all claims asserted against IBM and J&J in the above-captioned actions, and future actions arising out of the subject matter of the Consolidated Action which is filed in this Court or transferred to this Court, if any, shall be consolidated with the Consolidated Action.
4. The parties shall notify the Court of any other action which is pending or filed outside of this District which may be related to the subject matter of the Consolidated Action if and when they become aware of such actions.
5. Every pleading in *In re International Machines Corporation Data Breach Litigation*, Master File No. 7:23-cv-08421-NSR, shall bear the following caption: *In re*

*International Business Machines Corporation Data Breach Litigation*, Master File No.  
7:23-cv-08421-NSR.

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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

*In re International Business Machines Corp. Data Breach Litigation,*  
Master File No. 7:23- 08421\_NSR

This Document Relates To:

When a pleading is intended to be applicable to all actions to which this Order is applicable, the words “All Actions” shall appear immediately after the words “This Document Relates to:” in the caption set out above. When a pleading is intended to be applicable only to some, but not all, of such actions, this Court’s docket number for each individual action to which the pleading is intended to be applicable and the last name of the first-named plaintiff in said action shall appear immediately after the words “This Document Relates to:” in the caption described above.

SO ORDERED:

April 30, 2024

Date



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The Honorable Nelson Stephen Román  
United States District Judge